



**VILLAGE OF WESTMONT  
PLANNING AND ZONING COMMISSION  
AGENDA ITEM**

**MEETING DATE: September 14, 2016**

**P/Z 16-020**

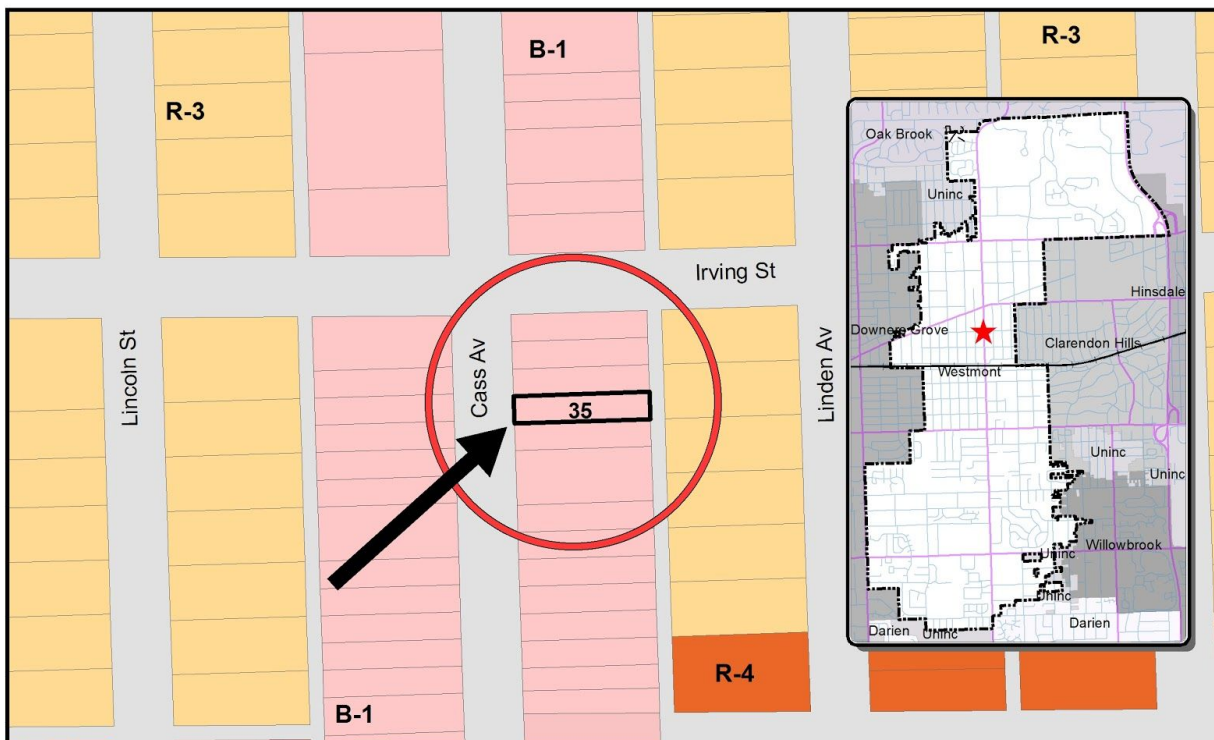
**TITLE: Dr. Jessica Torok, DVM regarding the property located at 35 North Cass Avenue, Westmont, IL 60559 for the following:**

- (A) Special Use permit request to operate a veterinarian office in the B-1 Limited Business District.
- (B) Zoning Code Variance request for a veterinarian office to be located within 100 feet of a residence district.

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**BACKGROUND OF ITEM**

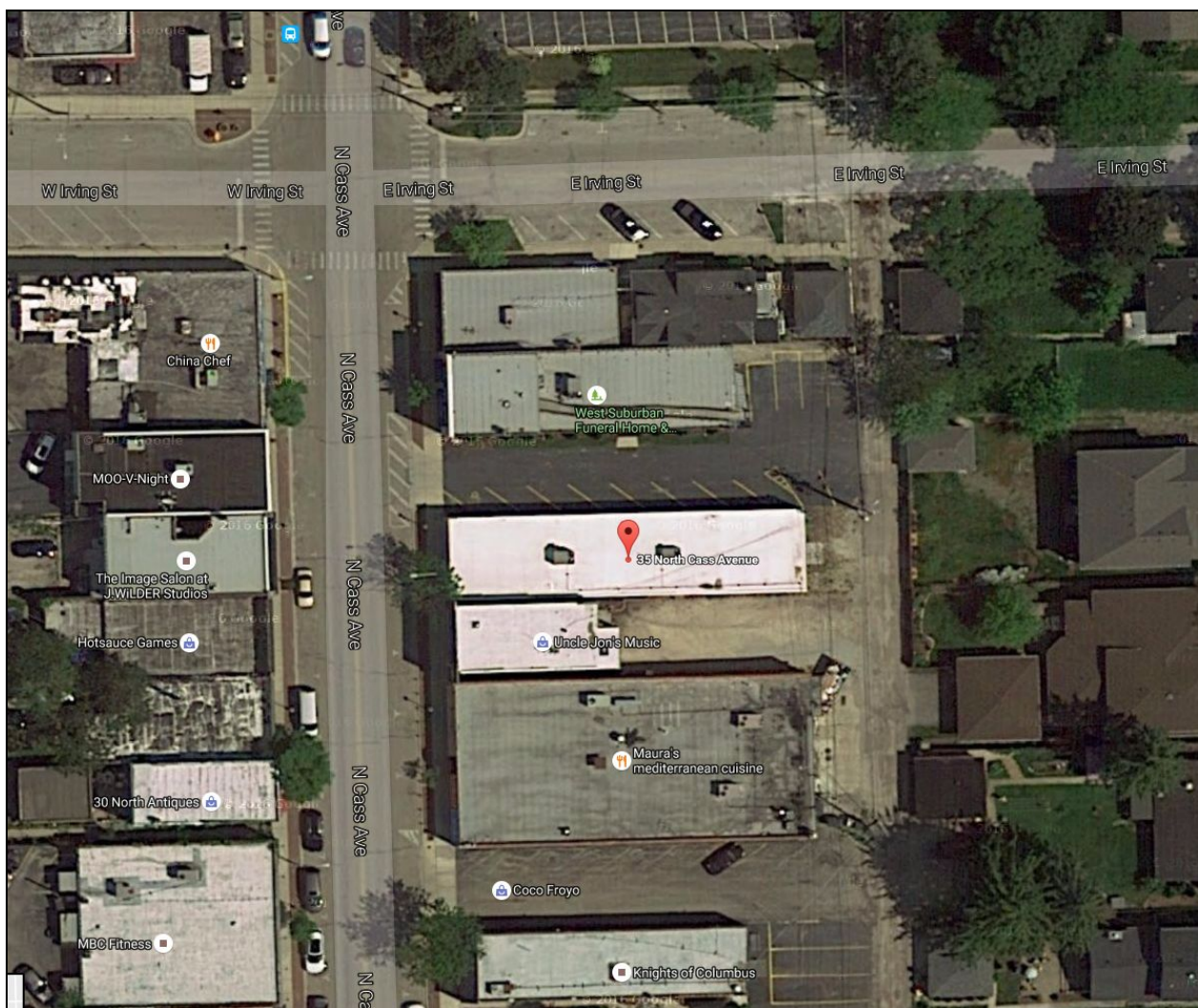
The subject lot is located on the east side of North Cass Avenue south of East Irving Street. It is known as Lot 18 in Block 12 of the Arthur T. McIntosh and Company's First Addition to Westmont Subdivision, which was recorded on August 10, 1921.



**Zoning Map - 35 North Cass Avenue**

The applicant has submitted a request to operate a veterinary office in the existing building located at 35 North Cass Avenue. The 4,000 square foot building on the property has been vacant for many years. The building occupies the majority of the parcel and has a small graveled area with a dock door to the alley.

The proposed use requires a Special Use permit and a Variance to be located within 100' of a residence district prior to opening the business. The applicant would have typical business hours of 8 a.m. until 6 p.m. during the week and 9 a.m. to 1 p.m. on Saturdays. Initial staffing would consist of the doctor, two veterinary technicians, and a receptionist. Employees could increase over time as the practice succeeds. No kennels or overnight boarding is proposed.



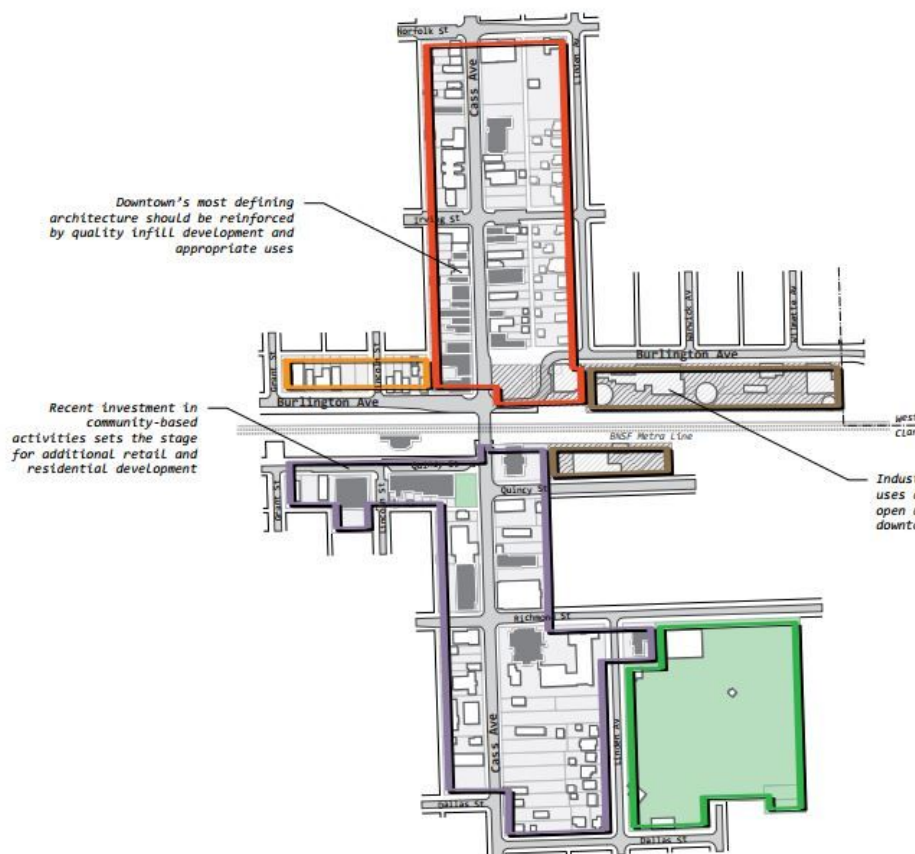
**Aerial Map - 35 North Cass Avenue**

## ZONING ANALYSIS

The subject property is located in the B-1 Limited Business District, and properties to the north, south and west are similarly zoned. The property to the east is zoned R-3 Single Family Residential District. To operate at this location, both a Special Use for the office and a Variance for the proximity to the residential district are required and will be discussed in detail below.

### Comprehensive Plan, Economic Development and Design Guidelines

The proposed veterinarian is located in the heart of the Westmont downtown in the **Central Business District TIF District**, and the building is not currently planned for redevelopment. The proposed use is located within the **Comprehensive Plan** designated Mixed Use Core of the Central Business District, which is denoted as an area on which specialty retail, pedestrian-intensive services, and restaurants should be focused. A veterinarian office is not considered a retail use, and the primary function of the business does not contribute to the retail sales tax base.



### Downtown Land Use Framework

Mixed Use Core

Community Open Space



The Comprehensive Plan recommends investing in the downtown area to reinforce positive characteristics of the area. While retail and restaurants are preferred uses and benefit the Downtown Tax Increment Financing District, the Village Board has selectively approved service uses that fill vacant storefronts and bring visitors to the downtown, even if they don't necessarily generate retail sales tax.

The applicant passionately presented this project proposal to the Economic Development Committee on August 3, 2016, and received a unanimous positive recommendation. One of the reasons for the positive recommendation was the emphasis by the applicant on wanting to specifically be a part of the downtown community, and redevelop a vacant storefront to be more vibrant. The proposal focused on an open, inviting lobby visible to the sidewalk, and the applicant has stated "the exterior of the practice is equally important as the interior." Westmont's Economic Development Committee recommends improving the Village's streetscape appearance whenever possible, and this project as described would provide that opportunity. The Comprehensive Plan Design Guidelines recommend existing buildings in the downtown attempt to reflect the era of the original construction, include more defining ground floor facade elements such as large display windows, use quality building materials, and incorporate complementary signage. The Downtown Design Guidelines are attached for reference.



**35 North Cass Avenue street view**

### Special Use Request

Appendix "A", Section 7.03(A)(3a) requires that all veterinary offices in the B-1 Limited Business District receive a special use permit and abide by the special condition of the building not being proposed within 100' of a residence district.

Typically non sales tax generating uses require a Special Use permit in the B-1 District to provide the opportunity to review these uses individually. The B-1 district has a number of small storefronts that aren't large enough or aren't configured appropriately for retail and restaurants. Because of this issue, staff recommended a text amendment in 2015 that permitted service uses in the downtown without a Special Use request, as long as they were less than 1,000 square feet.

In this instance, the building at 35 North Cass is larger than 1,000 square feet, and therefore requires a Special Use for the veterinary use. While the service does not contribute to the retail sales tax base, the reasoning for the Special Use request makes sense on several levels. The building has been unoccupied for the past decade and does not contribute to the downtown streetscape. The space has minimal parking available and needs a significant amount of interior remodeling in order to be usable. The applicant has committed to investing in both the inside of the building and the exterior facade.

All portions of the business will take place indoors. The nearest residentially zoned property is located across the alley to the east at 36 North Linden Avenue. Based on the proposed site plan provided by the applicant, the distance between the building and nearest residential property is approximately 34.5 feet and requires a variance. The office appears to meet all other Special Use standards, which are noted below.

**Standards.** A proposed special use shall substantially meet the following standards in order to obtain the recommendation of the planning and zoning commission and approval of the board of trustees:

- (1) That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.
- (3) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (4) That adequate utilities, access ways, drainage and/or other necessary facilities have been or are being provided.
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the village board pursuant to the recommendation of the plan commission.

Variance Request

The subject property is located in the B-1 Limited Business District. Appendix A, Section 7.03(A)(3a) and (69) requires that all veterinarian offices within the B-1 Limited Business District first receive a special use permit prior to operating.

Special condition #1 for both of these uses mandates that:

*“Such special use may be permitted provided that no buildings or outdoor portions of the lot containing such use are located within 100 feet of a residence district.”*

The building is located approximately 34.5 feet from the property line separating the lot from the residential district to the east. Because the building is located within 100 feet of a residence district, the applicant is requesting a variance from Special condition #1.

**PARKING ANALYSIS**

Veterinarian parking requirements are found within Appendix A, Section 10.06(K)(4)(e)(1) of the Village Code:

*(1) Animal hospitals and veterinarian offices: one parking space for each four seats of seating capacity.*

The applicant has indicated that the lobby would have seats for 8 patrons, with an assumed seat in each of the 4 exam rooms. This results in a parking requirement of 3 off-street parking spaces which are accommodated by the existing gravel parking area to the rear of the building. Although the applicant indicated in the application that a parking variance would be needed, staff calculations have determined that a variance is not needed. Staff does note that maintenance is needed as much of the area has become overgrown with weeds, and some delineation of the spaces should be improved as a part of the project.

Although there is street parking in front of the business and at the nearby Village lot parking off Irving Street, staff would require that employees obtain passes to utilize the METRA parking lots as spaces have been allotted for employees working in the downtown areas. This is further justified as the code for parking requirements do not require additional spaces be calculated for employees.

Staff additionally notes that if this property were to be occupied by a retail business or restaurant, that the small amount of parking available on-site would most likely require a significant parking variance request.



**35 North Cass Avenue - gravel parking area at rear**

## **SUMMARY**

A Special Use permit and Variance are required to operate a veterinary office in the B-1 Limited Business District. While the Village's desire is to situate restaurants and retail businesses within the Central Business District, the proposal would significantly improve and create investment in a historically vacant building with minimal impact to the adjacent land uses.

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## **DOCUMENTS ATTACHED**

1. Publication notice appearing in the August 31, 2016 edition of Westmont Suburban Life.
2. Westmont Downtown Design Guidelines
3. Application for public hearing dated August 05, 2016, and associated attachments.
  - a. Plat of Survey for 38 West Naperville Road, prepared by Glen D. Kirsch, dated September 20, 1983.
  - b. Floor Plan, prepared by GCA Architects Ltd., dated January 11, 2016.
  - c. Proposed Plan, prepared by Linden Group, Inc., dated July 20, 2016.
  - d. Architectural Site Plan, prepared by Linden Group, Inc., dated August 1, 2016.